

EXHIBIT A

HIGHLY CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

Page 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	1:17-cv-02635-CAB
2K GAMES, INC.and)	
TAKE-TWO INTERACTIVE)	
SOFTWARE, INC.,)	
)	
Defendants.)	

HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

The video recorded deposition of JUSTIN LENZO, Ph.D., called by the Defendants for examination, pursuant to Notice, and pursuant to the Rules of Civil Procedure for the United States District Courts, taken stenographically by Sandra L. Rocca, CSR, RMR, RDR, CRR, at 300 North LaSalle Street, Chicago, Illinois, on the 17th of August, 2021, at the hour of 9:04 a.m.

Job No.: 2865

HIGHLY CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

Page 274

1 this issue, it appeared to be concern over copyright
2 violations.

3 Q And that indicates that their resolution was
4 simply to remove tattoos?

5 MR. McMULLEN: Objection.

6 A That indicates their resolution was to
7 remove tattoos until they had secured the rights to
8 put them -- reincorporate them into the game.

9 Q Are you aware of any evidence that Madden
10 has secured specific rights to include tattoos in
11 their video games?

12 A They have -- so I don't observe specific
13 licenses. I observe the facts that they have
14 started to incorporate tattoos into more and more
15 players. It used to just be Colin Kaepernick and
16 now they've incorporated more. And they -- at least
17 the press reported that they would only do so when
18 they could secure permission from the copy -- from
19 the tattoo artist to do so.

20 Q That information's not contained in your
21 report, right?

22 MR. McMULLEN: Objection, vague.

23 A I may have cited this or it may have been --
24 because it's not, you know, directly relevant to my
25 analysis which is focused on NBA 2K, but I do talk

HIGHLY CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

Page 275

1 about Madden NFL at certain points. I may have
2 cited it. I don't have my report in front of me.
3 It might have been a series of articles that I've
4 seen since I submitted my report.

5 Q As far as you know, Madden NFL has not paid
6 any money to tattooists to include tattoo designs in
7 Madden?

8 MR. McMULLEN: Objection, calls for
9 speculation.

10 A I don't know either way.

11 Q Mr. Hayden's business has not been harmed by
12 the depiction of tattoos that he inked in NBA 2K,
13 right?

14 MR. McMULLEN: Objection, calls for
15 speculation, vague, beyond the scope of the expert's
16 opinions.

17 A I don't recall him asserting that his
18 business has been harmed.

19 Q Has Mr. Hayden has not lost customers
20 because tattoos he inked are depicted in NBA 2K,
21 right?

22 MR. McMULLEN: Objection, vague, calls for
23 speculation, beyond the scope of the opinion.

24 A I don't recall assertions to that effect.

25 Q As far as you know, no one has decided to